



City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222.4626

FAX: (228) 222-4390

www.diamondhead.ms.gov

TO: Mayor, City Council and City Manager

FROM: Ronald R. Jones, Building Official

DATE: May 27, 2015

SUBJECT: Recommendation of Planning & Zoning Commission-Pharmacy In Diamondhead;
Case File Number 2015-00130

At its regularly scheduled meeting on Tuesday, May 26, 2015, the Planning & Zoning Commission by a unanimous vote approved the wall sign copy area variances as petitioned by Rudy and Letellier represented by Ms. B. R. Hawkins located at 4405 East Aloha Drive, Suite AA. More specific information regarding the variances are noted below.

Rudy and Dawn Letellier, owners of Pharmacy in Diamondhead, have requested wall variance from the Sign Ordinance (Article 10.5.2 C iv) to allow a wall sign of 160 square feet (40' x 4'). The current building frontage for the tenant space is 53 lineal feet. Therefore the max copy area allowed is 53 square feet. The proposed variance will exceed the max copy area of 53 sf allowed by 107 sf.

The applicants have also requested an additional wall sign in the form of a hand painted mural to be located to the right of the front entrance. The mural, as drawn, is 8' x 6' for a total copy area of 48sf.

The property address is 4405 East Aloha Drive, Suite AA next to True Value hardware store. The tax parcel number is 131E-1-13-006.002. The property is located south of and adjacent to East Aloha Drive and east of Kalani Drive. The owner of the property is Jim Grotkowski, Diamondhead Commercial Development, LLC.

A copy of the application and related documents are attached. If you have any questions or comments, please advise.

Attachments

AGENDA
PLANNING AND ZONING COMMISSION
Diamondhead, Mississippi
Diamondhead City Hall Council Chamber
MAY 26, 2015
5:30 p.m.

- 1. Call to Order**
- 2. Statement of Purpose**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Confirmation or Adjustments to Agenda**

6. Approval of Minutes-March 24, 2015

7. New Business-Case File Number 2015-00130

- Rudy and Dawn Letellier, owners of Pharmacy in Diamondhead, have requested wall variance from the Sign Ordinance (Article 10.5.2 C iv) to allow a wall sign of 160 square feet (40' x 4'). The current building frontage for the tenant space is 53 lineal feet. Therefore the max copy area allowed is 53 square feet. The proposed variance will exceed the max copy area of 53 sf allowed by 107 sf.

The applicants have also requested an additional wall sign in the form of a hand painted mural to be located to the right of the front entrance. The mural, as drawn, is 8' x 6' for a total copy area of 48sf.

The property address is 4405 East Aloha Drive, Suite AA next to True Value hardware store. The tax parcel number is 131E-1-13-006.002. The property is located south of and adjacent to East Aloha Drive and east of Kalani Drive. The owner of the property is Jim Grotkowski, Diamondhead Commercial Development, LLC.

Receive public comments-please state your name and property address for the record
Discussion of variance request by Commissioners

- **Case File Number 2015-00129**

Mr. Kurt Braun has filed an application requesting a variance from the Zoning Ordinance (Article 4.18.3 D ii) to allow an accessory structure to exceed the maximum floor area of 144 square feet by 52 feet. The proposed floor area of the accessory structure is 196 square feet (12' x 16').

The property address is 7870 Hilo Way. The tax parcel number is 067R-2-36-022.000. The property is located north of and adjacent to Hilo Way and east of Maui Street and west of Ewa

Street.

**Receive public comments-please state your name and property address for the record
Discussion of variance request by Commissioners**

8. Unfinished Business

9. Open Public Comments to Non-Agenda items

10. Commissioners' Comments

11. Communication / Announcements

- **For JUNE, 2015 meeting, 1 variance application submitted. (accessory structure exceeding max floor area)**

12. Adjourn or Recess



MINUTES
PLANNING AND ZONING COMMISSION
Diamondhead, Mississippi
Diamondhead City Hall Council Chambers
May 26, 2015
5:30 p.m. CST

DRAFT

1. Chairman Malley called the meeting to order at 5:30 p.m. CST.
2. Commissioner Hensley recited the Statement of Purpose.
3. Pledge of Allegiance was led by Commissioner Smith.
4. Clerk Jeannie Klein called roll- Present: Commissioners Bice, Smith, Garrison, Hensley, Bower, Malley, and Miller. Absent: None.

Also present: Building Official Ronald Jones, City Attorney Derek Cusick and Minutes Clerk Jeannie Klein.

Others present: Rudy and Dawn Letellier, B. R. Hawkins, Amy Dascher, Kurt Braun, Fred Lowe and Mayor Tommy Schafer

5. Confirmation of the Agenda

Commissioner Miller moved, seconded by Commissioner Hensley, to confirm and approve the agenda as presented.

Ayes: Bice, Smith, Garrison, Bower, Hensley, Miller and Malley. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

6. **Approve Minutes.** - Commissioner Hensley moved, seconded by Commissioner Miller, to approve the Minutes of April 28, 2015 as presented.

Ayes: Bice, Smith, Garrison, Bower, Hensley, Miller and Malley. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

7. New Business – Case File Number 2015-00130

Rudy and Dawn Letellier, owner of Pharmacy in Diamondhead, have requested a wall variance from the Sign Ordinance (Article 10.5.2 C iv) to allow a wall sign of 160 sf. (40' X 4'). The current building frontage for the tenant is 53 lf. Therefore, the max copy area allowed is 53 sf. The proposed variance will exceed the max copy area of the 53 sf. allowed by 107 sf.

The applicants have also requested an additional wall sign in the form of hand-painted mural to be located to the right of the front entrance. The mural, as drawn, is 8' X 6' for a total copy area of 48 sf.

The property address is 4405 East Aloha Drive, Suite AA next to True Value hardware store. The tax parcel number is 131E-1-13-006.002. The property is located south of and adjacent to East Aloha Drive and east of Kalani Drive. The owner of the property is Jim Grotkowski, Diamondhead Commercial Development, LLC.

Chairman Malley called for anyone present wishing to address to the Commission to come forward. B.R. Hawkins along with Rudy and Dawn Letellier were present. Presenting their case, they referenced the logo as the trademark for their existing businesses in Waveland and Bay St. Louis. As tenants at the proposed location, they have leased 5,000 sf. for the pharmacy. They requested the Commission approve the variance to allow their logo as presented based on the marketing success experienced with their pharmacies in neighboring cities. Mr. Letellier stated their business is an old-fashioned type pharmacy unlike the chain recently established here in Diamondhead.

Mayor Tommy Schafer then addressed the Commission. He reminded Commissioners the City is seeking economic development and growth and that an amicable decision should be reached in order to assist the Letelliers with establishing their business here in Diamondhead.

Commissioners, after dialog with the applicants and with no one further to comment, were advised by Counsel to proceed with its ruling of the proposed signage, less the mural to be acted upon as a secondary request. Chairman Malley then closed the matter for public comment. Commissioner Smith moved, seconded by Commissioner Miller, to approve the variance request from Sign Ordinance (Article 10.5.2 C iv) relating to Case File 2015-00130 as requested by Rudy and Dawn Letellier at property address 4405 East Aloha Drive, Suite AA, tax parcel number is 131E-1-13-006.002 thereby recommending to the City Council approval to exceed the copy area limitation of 53 sf. by 107 sf.

Ayes: Bice, Smith, Garrison, Bower, Hensley, Miller and Malley. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

The secondary matter requested in Case File 2015-00130, is a hand-painted mural sized 8' X 6' or total copy area of 48 sf. to be located of the right of the front entrance. Discussions were held with regard to actual size and design absent copyrights to the presented design. B.R. Hawkins explained the actual rendering would be modified as not to violate copyright but would remain within reasonable appearance of the submittal.

Commissioner Garrison moved to deny the request in the matter of proposed mural submitted through Case File 2015-00130.

MOTION DIED FOR LACK OF SECOND

Commissioner Miller moved, seconded by Commissioner Bice, to approve a variance request from Sign Ordinance (Article 10.5.2 C iv) relating to the secondary request of Rudy and Dawn Letellier submitted through Case File 2015-00130 at property address is 4405 East Aloha Drive, Suite AA, tax parcel number is 131E-1-13-006.002 thereby recommending to City Council a variance permitting an 8' X 6' or 48 sf. hand-painted mural to be located at the right of the front entrance.

Ayes: Bice, Bower, Hensley, Miller and Malley. Nays: Garrison and Smith. Absent: None.

MOTION CARRIED

New Business – Case File Number 2015-00129

Mr. Kurt Braun filed an application requesting a variance from the Zoning Ordinance (Article 4.18.3 D ii) to allow an accessory structure to exceed the maximum floor area of 144 sf. by 52 sf. The proposed floor area of the accessory structure is 196 sf. (12' X 16"). The property address is 7870 Hilo Way and the tax parcel number is 067R-2-36-022.000. The property is located north of and adjacent to Hilo Way and east of Maui Street and west of Ewa Street.

Chairman Malley called for anyone present wishing to address to the Commission to come forward. Building Official Jones informed the Commission of another letter of objection received in addition to those sent to the Commission earlier via email. He then read aloud the additional letter that which was signed by multiple adjoining property owners and made a part of the official application file. Mr. Braun then explained the proposed structure was to replace an existing connex structure and would house his lawn equipment and woodworking tools. Questions arose whether the proposed structure would be utilized for business with Mr. Braun responding that woodworking is a hobby and the building would be housed under trees.

Commissioner Hensley moved, seconded by Commissioner Smith, to approve, in view the applicant has 2 combined lots on which his home is centered eliminating the possibility of separating the lots, and under the conditions the structure will not be used for business purposes and the existing conex container shall be removed upon completion of the accessory structure, a variance from the Zoning Ordinance (Article 4.18.3 D ii) as it relates to Case File 2015-00129 submitted by Kurt Braun to allow an accessory structure to exceed the maximum floor area of 144 sf. by 52 sf. with proposed floor area of the accessory structure to be 196 sf. (12' X 16') at property address 7870 Hilo Way, tax parcel number is 067R-2-36-022.000.

Ayes: Smith, Bower, Hensley, Garrison and Malley. Nays: Miller and Bice. Absent: None.

MOTION CARRIED

8. Unfinished Business – None

9. Open Public Comments to Non-Agenda Items – None

10. Commissioner's Comments –

Commissioner Garrison questioned Building Official Jones as to the status of a variance request of the Community Church. Jones informed the Commission two variance application packets had been picked up from City Hall but as of this time none have been submitted.

11. Communications / Announcements –

Building Official Jones informed the Commission of 2 variance applications submitted to be forthcoming at the June 2015 meeting.

12. Adjourn - Commissioner Miller moved, seconded by Commissioner Bice, to adjourn at approximately 6:25 p.m. CST. The motion carried unanimously.

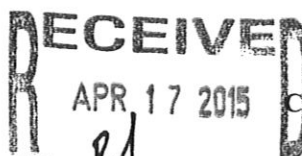
David Malley, Chairman
Planning & Zoning
City of Diamondhead, MS

City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525



Office 228-222-4626
Fax 228-222-4390
www.Diamondhead.ms.gov

APPLICATION FOR VARIANCE REQUEST



CASE NO. 201500130

BY: Rd

DATE April 17, 2015

APPLICANT: Rudy and Dawn Letellier

APPLICANT'S ADDRESS: 112 Auderer Blvd., Waveland MS 39576

APPLICANT'S TELEPHONE: (HOME) _____ (WORK) (228) 463-1055

PROPERTY OWNER: Jim Grotkowski, Diamondhead Commercial Development, LLC

MAILING ADDRESS: 4055 A Aloha Drive, Diamondhead, MS 39525.

TELEPHONE NUMBER: (HOME) _____ (WORK) (228) 222-4808

TAX ROLL PARCEL NUMBER: 131E-1-13-006.002

STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY: _____
4055 AA Aloha Drive, Diamondhead, MS 39525.

STATE PURPOSE OF VARIANCE: (FRONT/SIDE/REAR/LOT SIZE/PARKING/BUILDING
COVERAGE) (SIGNAGE – SIZE – HEIGHT) _____

ZONING DISTRICT _____

We are asking that the copy area in our business sign be 160-square-feet. Current regulations allow the total copy area to be no more than 53-square-feet. We are asking for a variance of 107-square-feet. (Please see the attached design.) It is our understanding that proposed ordinances to be considered would allow a maximum copy area of 150-square-feet. Under the new ordinance, if approved, we would be asking for only a 10-square-foot variance.

Additionally, we are asking to be allowed an additional wall sign in the form of a hand-painted mural located to the right of the front entrance. The mural, as drawn, is 8-feet high and 6-feet wide for a total of 48-square-feet. (Please see the attached design.) Our Bay St. Louis location — Pharmacy in the Bay — which, opened last month, has a mural located on the west side of the building. We see hand-painted murals by Hancock County artists at our locations as part of our growing brand.

STATEMENT OF UNDERSTANDING

As the applicant or owner/s for the requested Variance in the City of Diamondhead, I (we) understand the following:

^{100.00}
The application fee of ~~\$500.00~~ must be paid prior to the acceptance of the application. Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.

As the applicant or owner/s, I (we), or the designated representative, must be present at the public hearing.

That all information provided with this application is true and correct to the best of my knowledge.

That this application represents only property owned by me (us) and that any other adjoining property owners must apply for a Variance on his own behalf.

That all required attachments have been provided to the City of Diamondhead.

That additional information may be required by the Planning Commission prior to final disposition.

The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

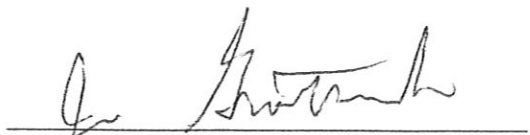
The Public Hearing will be held on _____ at _____ p.m. in the Council Chambers of the Diamondhead City Hall.

If a continuance of the hearing is necessary at my (our) request, the request must be made to the Zoning Official a minimum of seven (7) days prior to the hearing. If such request is not made in writing, I understand that a new application must be filed and an application fee paid to the City.

If the application is denied by the City Council, a new application for the subject property may not be submitted for one (1) year from the date of denial.



Signature of Applicant



Signature of Property Owner

For Official Use Only

- ^{100.00}
☐ ~~\$500.00~~
☐ Copy of Deed, Lease or Contract
☐ Site Plan
☐ Parking Spaces
☐ List of Property Owners

- ☐ Application Signed
☐ Written Project Description
☐ Drainage Plan NA()
☐ Notarized Statement NA()



4405 AA Aloha Drive | Diamondhead MS 39525

(228) 222-4662 Phone | (228) 222-4733 Fax

Friday, April 17, 2015

Diamondhead Planning and Zoning Commission
City of Diamondhead, Mississippi
5000 Diamondhead Circle
Diamondhead, MS 39525

Commissioners,

Please find our application for variances in the requirements regarding signage to be installed at the location of our new pharmacy — Pharmacy in Diamondhead — located at 4055 AA Aloha Drive in Diamondhead.

Our request is in two parts: First, we are proposing the copy area in our business sign to be 160-square-feet. Current regulations allow the total copy area to be no more than 53-square-feet. We are asking for a variance of 107-square-feet. (Please see the attached design.) It is our understanding that proposed ordinances to be considered would allow a maximum copy area of 150-square-feet. Under the new ordinance, if approved, we would be asking for only a 10-square-foot variance.

Second, we are asking to be allowed an additional wall sign in the form of a hand-painted mural located to the right of the front entrance. The mural, as drawn, is 8-feet high and 6-feet wide for a total of 48-square-feet. (Please see the attached design.) Our Bay St. Louis location — Pharmacy in the Bay — which, opened last month, has a mural located on the west side of the building. We see hand-painted murals by Hancock County artists at our locations as part of our growing brand.

In response to the Conditions for Granting a Variance

1. We believe our requests for variances affects only the space being leased from Diamondhead Commercial Development to us for Pharmacy in Diamondhead, and that no other tenants in the development will be affected.
2. We believe that the literal interpretation of the existing ordinances, without the requested variances, would limit us in bringing to Diamondhead the look and feel of the pharmacy we wish to create. We take great pride in creating a distinctive, hometown, and independent pharmacy with a reputation of outstanding customer service.

3. We see no special conditions or circumstances that exist requiring the application for variances, other than our intent on maintaining our growing brand.
4. We do not see that approval of the requested variances would give us any special privileges or rights that are not available to the other tenants in the development.

In our search on www.geoportal.com/hancock, we found only one property owner within 300 feet of 4055 AA Aloha Drive. That property owner is Jim Grotkowski, 4055 A Aloha Drive, Diamondhead, MS 39525.


We appreciate consideration of our request. If you have any questions or need additional information, we can be reached at the contact information listed below.

Respectfully,



Rudy Letellier, RPh
Waveland Pharmacy
112 Auderer Blvd.
Waveland, MS 39576

(228) 463-1055 (Phone)



Dawn Letellier
Pharmacy in the Bay
1140 Hwy. 90
Bay St. Louis, MS 39520

(228) 270-1055 (Phone)



WATERS
ARCHITECTURE

RUDY LETELLIER, RPH

